

**Mayor**  
Frank Hansen

**Deputy Mayor**  
Terry Anderson

**Councilmembers**  
Gene Fisher  
Chris Wythe  
Ralph Shape  
Joe Brennan  
Don DeHan



**City Manager**  
Bruce A. Rayburn

**Assistant City Manager**  
Craig R. Ward

**City Attorney**  
Mary E. Mirante Bartolo

**City Clerk**  
Judith L. Cary

*"The Hospitality City"*

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## **COUNCIL STUDY SESSION AGENDA**

**April 13, 2004  
5:00 PM**

**City Hall  
Council Chambers**

*(Agenda Revised 04/13/04 Golf Course Presentation removed from this Agenda)*

**PUBLIC COMMENTS:** (Speakers must sign up prior to the meeting. Individual comments at the beginning of the meeting shall be limited to three minutes and group comments shall be limited to ten minutes. When recognized by the Mayor or his designee, walk to the podium and state your name and address for the record. Please spell your last name.)

### **1. PRESENTATIONS:**

• **Update on Federal Issues (15 minutes)**

By: Adam Smith, Congressman

• **Briefing on the Watershed Resource Inventory Area (WRIA) 9 Habitat Plan (15 minutes)**

By: Dennis Clark, Stewardship and Public Outreach Coordinator

• **LEOFF I Disability Board Annual Report (5 minutes)**

By: MaryAnn Cromwell, Administrative Assistant – Fire / LEOFF I Disability Board Secretary

### **2. Discussion of Summary of \$5,000 - \$25,000 Purchase Requests for the period ended April 9, 2004 (5 minutes)**

By: Bruce Rayburn, City Manager

### **3. Agenda Bill #2424 – A Motion approving the purchase of a new Generator for Fire Station 45 (5 minutes)**

By: Pat Patterson, Facilities Manager

### **4. Agenda Bill #2406 – An Ordinance amending the 2004 Annual Budget for Salary and Benefit Increases (10 minutes)**

By: Mike McCarty, Finance Director

### **5. Agenda Bill #2420 – A Motion authorizing Final Acceptance of the McMicken Heights Elementary Play Yard Improvements Project (5 minutes)**

By: Kit Ledbetter, Parks & Recreation Director / Lawrence Ellis, Assistant Parks & Recreation Director

### **6. Agenda Bill #2421 – A Motion authorizing Final Acceptance of the Landscape installation at the City Maintenance Facility (5 minutes)**

By: Kit Ledbetter, Parks & Recreation Director / Curt Brees, Park Operations Supervisor

### **7. Agenda Bill #2418 - A Motion authorizing the City Manager to execute Agreements with the Port of Seattle (POS) and City of Burien to preserve the Seike Japanese Garden (10 minutes)**

By: Craig Ward, Assistant City Manager

### **ADJOURN:**

### **EXECUTIVE SESSION:**

*(Note: The Regular Council Meeting will commence at 7 p.m., following this Study Session.)*

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## SEATAC CITY COUNCIL REGULAR MEETING AGENDA

April 13, 2004

7:00 PM

City Hall  
Council Chambers

*(Note: The agenda numbering is continued from the Study Session.)*

**CALL TO ORDER:**

**ROLL CALL:**

**FLAG SALUTE:**

### 8. CONSENT AGENDA:

- Approval of claims vouchers in the amount of \$310,821.39 for the period ended April 5, 2004.
- Approval of employee vouchers in the amount of \$604,186.41 for the period ended March 31, 2004.
- Approval of summary of \$5,000 - \$25,000 purchase requests for the period ended April 9, 2004.

**Approval of Council Meeting Minutes:**

- Joint City Council / Planning Commission Wireless Telecommunications Facilities Work Session held March 30, 2004.
- Joint City Council / Planning Commission Work Session held March 30, 2004.

**Acceptance of Advisory Committee Minutes:**

- Human Services Advisory Committee Meeting held February 23, 2004 (Committee approved March 15, 2004).
- Planning Commission Meeting held March 8, 2004 (Commission approved March 22, 2004).
- Senior Citizens Advisory Committee Meeting held February 19, 2004 (Committee approved March 25, 2004).

**Approval of the following Agenda Items recommended at the April 13, 2004 Study Session for placement on this Consent Agenda or New Business: *Please refer to the Study Session items in the Council packet, if necessary.***

**Agenda Bill #2424**

**A Motion approving the purchase of a new Generator for Fire Station 45**

**Agenda Bill #2406**

**An Ordinance amending the 2004 Annual Budget for Salary and Benefit Increases**

**Agenda Bill #2420**

**A Motion authorizing Final Acceptance of the McMicken Heights Elementary Play Yard Improvements Project**

**Agenda Bill #2421**

**A Motion authorizing Final Acceptance of the Landscape installation at the City Maintenance Facility**

**Agenda Bill #2418**

**A Motion authorizing the City Manager to execute Agreements with the Port of Seattle (POS) and City of Burien to preserve the Seike Japanese Garden**

### NEW BUSINESS:

**PUBLIC COMMENTS:** (Speakers must sign up prior to the meeting. Individual comments at the end of the meeting shall be limited to two minutes and group comments shall be limited to five minutes.)

**CITY MANAGER'S COMMENTS:**

**COUNCIL COMMENTS:**

**EXECUTIVE SESSION:**

**ADJOURN:**

## **1. PRESENTATIONS:**

- **Presentation on Federal Issues (*15 minutes*)**  
By: Adam Smith, Congressman
- **Briefing on the Watershed Resource Inventory Area (WRIA) 9 Habitat Plan (*15 minutes*)**  
By: Dennis Clark, Stewardship and Public Outreach Coordinator
- **LEOFF I Disability Board Annual Report (*5 minutes*)**  
By: MaryAnn Cromwell, Administrative Assistant – Fire/LEOFF Disability Board Secretary
- **Golf Course Presentation (*15 minutes*)**  
By: Don DeHan, Councilmember/Kit Ledbetter, Parks & Recreation Director

## SUMMARY OF PURCHASE REQUESTS \$5,000-\$25,000

For April 13, 2004 - Regular Council Meeting

Period ended April 8, 2004

<u>Item Description</u>	<u>Department</u>	<u>BARS Number</u>	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Estimate</u>	<u>3 Quotes?</u>
Washington State Fire Training Center	Fire	001.000.09.522.40.43.031	\$0	\$2,080	\$2,080	N/A - Sole Source Provider
Recruit Academy for Four New		001.000.09.522.40.43.032	\$0	\$3,172	\$3,172	N/A - Sole Source Provider
Fire Fighter Recruits		001.000.09.522.40.49.061	\$0	\$10,668	\$10,668	N/A - Sole Source Provider
Security Hardware and Software for City Wireless Network	Fire	001.000.09.594.22.64.009	\$0	\$151,850	\$11,461	Yes
Equipment and Truck Lift	Parks & Recreation	001.000.10.594.76.64.097	\$10,000	\$10,000	\$8,223	Only two vendors provide this specialized lift
Hardware and Software for Upgrade to City's Data Backup System	Finance and Information Systems	301.000.35.594.18.64.094	\$66,060	\$66,060	\$8,975	Yes

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**

Department Prepared by: Facilities

Agenda Bill #: 2424

TITLE: A Motion Approving the Purchase of a New Generator for Firestation 45

April 7, 2004	
___ Ordinance ___ Resolution <u>x</u> Motion ___ Info. Only ___ Other	
Date Council Action Requested: <u>4/13/04</u>	
Ord/Res Exhibits: _____	
Review Dates: <u>4/13/04 A&amp;F, 4/13/04 SS</u>	
Prepared By (Name / Title): <u>Pat Patterson, Facilities Director</u>	
Director: <u>[Signature]</u>	City Attorney: <u>Mary Vincente Barolo</u>
Finance: <u>[Signature]</u>	BARS #: <u>301.000.35.594.22.64.005</u>
City Manager: <u>[Signature]</u>	

**SUMMARY:**

A Motion of the City Council to approve the purchase of a generator and transfer switch to replace the existing generator.

**DISCUSSION / ANALYSIS / ISSUES:**

The existing generator is 20 plus years old and does not function properly. It also has no appropriate transfer switch which recently caused several circuits in the station to burn out.

**RECOMMENDATION(S):**

The cost for this generator and transfer switch was approved as a decision card in the 2004 budget process. It is recommended that we proceed with this purchase.

**FISCAL IMPACT:**

The generator is being purchased from Pacific Detroit Diesel under State Contract. The State Contract cost of the generator and transfer switch is \$33,752.60. Negotiating with the supplier has reduced the cost to \$28,397.00. With tax and contingency the amount totals \$33,985.53. Anticipated installation costs are around \$20,000.00 putting the total installation near \$53,985.53. The decision card amount approved is \$70,000.00.

**ALTERNATIVE(S):**

Do not purchase the generator and transfer switch.

**ATTACHMENTS:**

State Contract allowance. Pacific Detroit Diesel quotation.



# PACIFIC DETROIT DIESEL-ALLISON



## Kohler Power System Generator Quote

Attn: Pat Patterson

City of Seatac FS 45

Kohler Model 150REOZJB

Per State of WA Procurement Contract 09402

This genset is rated at 160kW @ 120/208 Three Phase  
Quote Date 3-25-04

Detail Information	Description	Qty	Net Price	Price	
150REOZJB	150REOZJB Generator Set	1		\$ 17,949.00	WA State Contract 09402 Net Price
GM20148-GA3	150REOZJB, 12V, 60Hz	1	\$ -	\$ -	
	Inbound Freight	1		\$ 650.00	WA State Contract 09402 Net Price
	Set Up and Test			\$ 500.00	WA State Contract 09402 Net Price
	Delivery			\$ 380.00	WA State Contract 09402 Net Price
222661	Nameplate Rating, Standby	1	\$ -	\$ -	Included
GM19874-KA1	Decal, UL2200 Listing (Diesel)	1	\$ -	\$ -	Included
333700	Voltage, 60Hz, 120/208V, Wye, 3Ph, 4W	1	\$ -	\$ -	Included
GM17672-MA20	Alternator, 4S13	1	\$ -	\$ -	Included
GM31012-MA1	Cooling, Unit Mounted Radiator	1	\$ -	\$ -	Included
GM20497-MA1	Skid	1	\$ -	\$ -	Included
GM20783-MA1	Air Intake, Standard Duty	1	\$ -	\$ -	Included
364502-MA47	Controller, 16 Light, Dec3+, 12V	1	\$ -	\$ -	Included
GM20880-MA1	Control & Harness, JD6068HF, 4S, Non Dec550	1	\$ -	\$ -	Included
GM20599-KA9	Enclosure, Sound Shield, Crit Sil, Cap	1	\$ 6,385.00	\$ 4,980.30	Option
GM20968-KA1	Block Heater, 1500W, 120V	1	\$ -	\$ -	Included
336692	Battery, 1/12V, 950CCA, Wet	1	\$ -	\$ -	Included
GM28569-KA1	Battery Charger, Float/Equalize 12V-6A	1	\$ 120.00	\$ 93.60	Option
GM25954-KA1	Dry Contacts, 14 Relay	1	\$ -	\$ -	Included with remote annunciator
GM17725-KA1	Isynchronous Governor, NonLoadShare, 12V	1	\$ 649.00	\$ 506.22	Option
GM20938-KA2	Pre-Alarm Senders, NFPA-110	1	\$ -	\$ -	Included
GM28619-KP1	Remote annunciator panel w/16lts	1	\$ 501.00	\$ 390.78	Option
347274	Failure Relay	1	\$ 127.00	\$ 99.06	Option
GM17681-KA3	LCB, 600A, 3P, 600V, UL, Therm Mag	1	\$ 2,114.00	\$ 1,648.92	Option
272746	Safeguard Breaker	1	\$ -	\$ -	Included
GM19461-KA2	Flexible Fuel Lines	1	\$ 75.00	\$ 58.50	Option
GM28625-KA2	Coolant In Genset 6 gals.	1	\$ -	\$ -	Included
GM16904-KP8	Double Wall, 312 Gal, 41" (will be 336 gal)	1	\$ 3,400.00	\$ 2,652.00	Option
PA-226203	Inner Tank Leak Alarm	1	\$ 201.00	\$ 156.78	Option
GM10409-KP1	Low Fuel Level Alarm	1	\$ 148.00	\$ 115.44	Option
	Install Tank, low fuel level and leak alarm	1		\$ 390.00	Tank ships loose and requires installation
MODELK	KDT-ACTA-0400S Transfer Switch-400 amp, 480 volt, 3 pole, NEMA 1	1		\$ 2,909.00	WA State Contract 09402 Net Price
	Inbound Freight	1		\$ 150.00	WA State Contract 09402 Net Price
	Delivery	1		\$ 150.00	WA State Contract 09402 Net Price
Sub Total				\$ 33,779.60	
Tax				\$ 2,972.60	
Grand Total				\$ 36,752.20	

Items at zero dollars are included the base price of \$17,949 per State Contract 09402

Items not in base price are shown at list, with a discount of 22% per the State Contract 09402

Terms: NET 30 OAC

Option-Loose Spring Isolators (4 X \$160 each)

Dan Doyle

Pacific Detroit Diesel Allison CO

7215 S 228th Street

Kent WA 98032

253 520 5101 Direct line

253 850 2631 Fax

800 962 7360 x 101 Toll Free



**PACIFIC**  
**DETROIT DIESEL-ALLISON**



## Quotation

Customer: City of SeaTac  
Project: Fire Station Generator  
Generator Model: Kohler 150REOZJB  
Attention: Pat Patterson

Date: 3-26-04  
Rating: 160kW  
Voltage: 480  
Phone: 206-793-6644 Fax: 206-973-4809

### ENGINE ACCESSORIES

- ☒ Governor ☐ Mechanical ☒ Electronic  
☒ Engine safety shutdown  
☐ Fuel pressure gauge  
☐ Lube oil heater  
☐ Heavy duty air cleaner  
☐ Air cleaner restriction indicator

### ENGINE COOLING SYSTEM

- ☒ Unit mounted radiator  
☐ City water cooling system  
☐ Remote radiator setup  
☐ Remote radiator shipped loose  
☒ Block heater  
☐ Radiator duct flange adapter

### FUEL SYSTEM

- ☐ LP ☐ NG ☐ Gasoline  
☐ LP gas liquid withdrawal system  
☐ Auto changeover NG/LP vapor  
☐ Manual gas solenoid bypass valve  
☐ Gas strainer  
☒ Diesel powered  
☒ Flexible fuel lines  
☒ Sub-base tank 312 Gallons  
☐ Day tank \_\_\_\_\_ Gallons  
☐ Free standing tank \_\_\_\_\_ Gallons  
☒ UL 142 ☒ Double wall ☒ Vents  
☒ Low fuel alarm ☒ Leak alarm  
☒ Fill cap ☒ Fuel gauge

### ELECTRICAL SYSTEM

- ☒ Battery ☒ 12V ☐ 24V  
☒ Battery rack and cables  
☒ Battery charger ☒ Float  
☐ Trickle ☐ Alarms  
☐ Battery heater

### GENERATOR ACCESSORIES

- ☒ MLCB 600 Amps  
☐ MLCB \_\_\_\_\_ Amps  
☐ Shunt trip ☐ GFI  
☐ Alarm ☐ Aux contacts  
☒ Safeguard breaker  
☐ Generator strip heater  
☐ Bus bar kit  
☒ Voltage regulation +/- 2 %  
☐ CSA certification  
☐ Oversized alternator

### CONTROLLER

- ☐ Manual controller ☒ Auto start controller  
☒ 16 light ☐ 7 light ☐ 5 light ☐ 1 light  
☒ Analog ☐ Digital  
☒ Meters ☒ Gauges  
☐ Emergency stop button  
☐ Run relay contact  
☒ Pre alarm senders  
☒ Overvoltage protection  
☒ Common failure relay  
☐ Tachometer ☐ Oil temp gauge  
☐ Wattmeter ☐ Power factor meter  
☒ Remote annunciator ☒ 16 light ☐ 1 light  
☒ Dry contacts ☐ 10 relay ☒ 14 relay ☐ 20 relay

### ENCLOSED UNIT

- ☐ Weather housing (sheet metal)  
☒ Sound attenuated enclosure  
☒ Exh silencer ☒ crit ☐ resid ☐ ind  
☒ Silencer mounting for enclosure  
☒ Exhaust tail pipe ☒ Rain cap  
**OPEN UNIT (exhaust shipped loose)**

- ☐ Exh silencer ☐ crit ☐ resid ☐ ind  
☐ SS flex connector

### MISCELLANEOUS

- ☒ Oil drain extension with valve  
☒ Vibration isolators between set & skid  
☒ Vibration isolators shipped loose  
☒ Initial lube oil and antifreeze  
☐ Jobsite start up with building load  
☐ Jobsite start up with load bank  
☒ 0.8 factory power factor test  
5 O&M Manual (s)

- ☐ Spare parts  
☒ Warranty One/2000 yr/hrs  
☒ UL 2200

### ADDITIONAL ITEMS

- ☐  
☐  
☐

### Spec Sections Referenced:

No specification

### Current Addendums Received:

No addendums

### AUTOMATIC TRANSFER SWITCH

Model: **Kohler** Qty: **1**  
Poles: **3** Amps: **400**  
NEMA: **1 (Indoor)** Volts: **208**

- ☐ Standard time delay ☐ Battery charger  
☐ Exerciser ☐ load ☐ No load ☐ Pilot lights  
☐ Aux contacts - relay ☐ Test switch  
☐ In-phase monitor ☐ Time delay neutral

Notes: **Vibration Isolators are the pad type, not spring type.**

**Battery Charger is our 6 amp float type.**

**We are included an electric isochronous engine governor.**

Sales Rep: **Dan Doyle** Kohler Power Systems  
Phone: **253-520-5101** Fax: **253-850-2631**  
Email: **ddoyle@pacificdda.com**

Terms: **Net 30 OAC**  
Subject to standard PDPA terms and conditions of sale.  
Estimated delivery 12 weeks after submittal approval and release for production.

Quoted Price: **\$28,397.00** Taxes not Included  
Quote valid for: 30 days

F.O.B. **Jobsite, off-loading by others**

Note: *Installation of hard piping, of any kind, exhaust insulation, air ducting, and fuel are not included unless specifically listed.*



# SeaTac City Council

## REQUEST FOR COUNCIL ACTION

Department Prepared by: Finance

Agenda Bill #: 2406

TITLE: Ordinance amending the 2004 Annual Budget for Salary and Benefit Increases

April 8, 2004

☒ Ordinance ☐ Resolution ☐ Motion ☐ Info. Only ☐ Other

Date Council Action Requested: 4/13/04 RCM

Ord/Res Exhibits: N/A

Review Dates: 4/13/04 A&F Committee and 4/13/04 SS.

Prepared By (Name / Title): Mike McCarty, Finance and Systems Director

Director: Michael McCarty

City Attorney: Mary Miranda Barolo

Finance: Michael McCarty

BARS #: Various

City Manager: Bruce Rayburn

### SUMMARY:

This Ordinance amends the 2004 Annual Budget to provide for salary and benefit increases for IAFF Local 2919 represented Fire Department employees, pursuant to the 2004-2006 collective bargaining agreement between the City of SeaTac and Local 2919.

### DISCUSSION / ANALYSIS / ISSUES:

When the 2004 Annual Budget was developed in the fall of 2003, salary and benefits were budgeted at 2003 levels for IAFF Local 2919 represented Fire Department employees since a labor contract was not in place yet for 2004. A Resolution approving the collective bargaining contract was passed by the Council on February 10, 2004, and the contract was ratified with IAFF Local 2919. It is appropriate at this time to amend the 2004 Budget to provide appropriation authority in the Fire Department budget for the resulting salary and benefit increases.

A contingency amount of \$300,000 was appropriated in the Non-Departmental section of the General Fund in the 2004 Budget to provide for the estimated cost of the settlement, so this Ordinance only transfers appropriations from one department to another, having no impact on the total General Fund budget.

The budget impact of the cost of living adjustment and additional Kelly days is approximately \$111,000. In addition, the bargaining agreement provides that the City will buy back holiday leave time over a three year period beginning in 2004, and the estimated cost for 2004 is \$97,000. The calculation for holiday hours paid will be determined based on the holiday leave balances as of September 30, 2004. The total cost of the agreement in 2004 is approximately \$208,000. A second budget amendment Ordinance to transfer appropriation authority from Non-Departmental to the Fire Department for the actual cost of the holiday leave buy back program will occur later this year.

### RECOMMENDATION(S):

It is recommended that the City Council adopt this Ordinance amending the 2004 Annual Budget for salary and benefit increases in accordance with the 2004-2006 collective bargaining agreement between the City of SeaTac and IAFF Local 2919.

### FISCAL IMPACT:

This Ordinance amends the 2004 Budget to transfer expenditure authority in the amount of \$111,000 from

the General Fund/Non-Departmental section to the Fire Department for the cost of living adjustment and additional Kelly days provisions of the collective bargaining agreement. As noted above, this Ordinance only transfers existing appropriations within departments in the General Fund, so there is no additional impact on the General Fund budget.

**ALTERNATIVE(S):**

The City is contractually committed to the costs associated with these salary and benefit increases.

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE of the City Council of the City of SeaTac, Washington, amending the 2004 Annual City Budget for Salary and Benefit Increases.

**WHEREAS**, the 2004 Annual Budget appropriated salary and benefits at 2003 levels since a labor contract was not yet in place with the IAFF Local 2919 bargaining unit; and

**WHEREAS**, the City Council has now ratified a contract for 2004 with IAFF Local 2919; and

**WHEREAS**, the 2004 Annual Budget requires modification to reflect the cost of 2004 salary and benefit increases;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:**

Section 1. The 2004 Annual City Budget shall be amended to transfer expenditure authority from the General Fund/Non-Departmental section to the Fire Department in the amount of \$111,000, but having no impact on the total General Fund expenditures.

Section 2. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2004, and signed in authentication thereof on this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**CITY OF SEATAC**

\_\_\_\_\_  
Frank Hansen, Mayor

ATTEST:

\_\_\_\_\_  
Judith L. Cary, City Clerk

Approved as to Form:

Mary Mirante Bartolo  
Mary Mirante Bartolo, City Attorney  
[Effective Date: \_\_\_\_\_]

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**  
Department Prepared by: Parks and Recreation

Agenda Bill #: 2420

**TITLE:** Motion Authorizing Final Acceptance of McMicken Heights Elementary Play Yard Improvements Project

March 30, 2004
<u>    </u> Ordinance <u>    </u> Resolution <u>  X  </u> Motion <u>    </u> Info. Only <u>    </u> Other
<b>Date Council Action Requested:</b> <u>4/13/04 RCM</u>
<b>Ord/Res Exhibits:</b>
<b>Review Dates:</b> <u>LUP 11/13/03, SS 11/18/03, RCM 11/25/03, SS 04/13/04</u>
<b>Prepared By (Name / Title):</b> <u>Lawrence Ellis, Parks and Recreation Assistant Director</u>
<b>Director:</b> <u>[Signature]</u> <b>City Attorney:</b> <u>[Signature]</u>
<b>Finance:</b> <u>[Signature]</u> <b>BARS #:</b> <u>001.10.594.76.63.130</u>
<b>City Manager:</b> <u>[Signature]</u>

**SUMMARY:**

A Motion of the City Council to accept completion of the McMicken Heights Elementary Play Yard Improvement project. Improvements included asphalt play court extension, new loop path, installation of a drinking fountain, new access path, installation of basketball hoops, relocation of existing tetherball post, play area preparation, and installation of a new backstop, line fence, dugout fences, gates and player benches.

**DISCUSSION / ANALYSIS / ISSUES:**

The construction contract was awarded by the City Council on November 25, 2003 for the total amount not to exceed \$70,554.30. The construction cost from Wyser Construction is \$70,338.46. The construction project was completed on March 31, 2004.

**RECOMMENDATION(S):**

It is recommended that the City Council formally accept the construction of the McMicken Heights Elementary Play Yard project as complete.

**FISCAL IMPACT:**

Final acceptance will have no fiscal impact beyond payment of retainage as budgeted.

**ALTERNATIVE(S):**

Do not accept the contract as complete at this time.

**ATTACHMENTS:**

none

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**  
Department Prepared by: Parks and Recreation

Agenda Bill #: 2421

TITLE: Motion Authorizing Final Acceptance of landscape installation at the City Maintenance Facility.

April 8, 2004	<div style="text-align: center;"><input type="checkbox"/> Ordinance    <input type="checkbox"/> Resolution    <input checked="" type="checkbox"/> Motion    <input type="checkbox"/> Info. Only    <input type="checkbox"/> Other</div> <div>Date Council Action Requested: _____ <u>RCM</u></div> <div>Ord/Res Exhibits: _____</div> <div>Review Dates: <u>6/17/03 SS and 6/24/03 RCM, 4/13/04 SS</u></div> <div>Prepared By (Name / Title): <u>Curt Brees, Parks and Recreation Department</u></div> <div>Director: <u>Kris Jones</u>                      City Attorney: <u>Mary Miranda Brucholo</u></div> <div>Finance: <u>Michael J. McIntyre</u>                      BARS #: <u>306.000.36.595.40.62.072</u></div> <div>City Manager: <u>Bruce Rayburn</u></div>
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**SUMMARY:**

A Motion by the City Council to accept completion of landscape installation. The work was completed by TruGreen Landcare at the City Maintenance Facility. The work included irrigation installation, placement of topsoil and rock, grading and installation of plantings.

**DISCUSSION / ANALYSIS / ISSUES:**

The construction contract was awarded by the City Council on June 24<sup>th</sup>, 2003 in the amount of \$135,863 which included a 10% contingency and sales tax. The total construction cost for Landscape Installation by TruGreen Landcare is \$120,521.41 including all change orders and sales tax. Change orders that resulted in reduced total cost included the use of existing topsoil following a screening/amendment process and the placement of landscape boulders that were on site within the landscape rather than supplying additional boulders. Acceptance will commence a one year period for guarantees and warranties by TruGreen Landcare of the work performed under this contract.

**RECOMMENDATION(S):**

It is recommended that the City Council formally accept the Landscape Installation at the City Maintenance Facility as complete.

**FISCAL IMPACT:**

Final acceptance will have no fiscal impact beyond payment of retainage as budgeted.

**ALTERNATIVE(S):**

Do not accept the contract as complete at this time.

**ATTACHMENTS:**

none

**SeaTac City Council**  
**REQUEST FOR COUNCIL ACTION**  
Department Prepared by: City Managers Office

Agenda Bill #: 2418

**TITLE:** A Motion Authorizing the City Manager to Execute Agreements with the Port of Seattle and City of Burien to Preserve the Seike Japanese Garden

January 26, 2000

☐ Ordinance ☐ Resolution ☒ Motion ☐ Info. Only ☐ Other

**Date Council Action Requested:** RCM: 04/13/04

**Ord/Res Exhibits:**

**Review Dates:** A&F: 03/02/04 & 04/13/04; Special SS: 03/23/04; SS 04/13/04

**Prepared By:** Craig Ward, Assistant City Manager

**Director:**

**City Attorney:**

**Finance:**

**BARS #:** 107.000.24.557.30.41.102

**City Manager:**

**SUMMARY:** Approval of this Motion would authorize the City Manager to execute a License agreement with the Port of Seattle (Port) and an agreement with the City of Burien (Burien) to preserve the Seike Japanese Garden (Garden) in place throughout 2004 and 2005 pursuant to raising funds to relocate the Garden.

**DISCUSSION/ANALYSIS/ISSUES:** Since 2002 the City has actively pursued several options to acquire and relocate the Garden in whole or in part to the Highline Botanical Garden. Funding requests have been submitted to the Washington State Legislature that are hoped to be approved in 2005. Attachment 1 is the draft License Agreement with the City and Port. Attachment 2 is the draft agreement between the City and Burien.

In August 2003 the City proposed to the Port and Burien that the City assume responsibility for managing the Garden in place. Estimated operating costs are approximately \$10,000 annually. On April 5, 2004 the Burien City Council approved the draft agreement to contribute \$5,000/year for up to four years toward the cost of keeping the garden in place.

Following Council direction provided March 23, 2004, modifications were made to the draft License Agreement to limit City liability for hazardous waste contamination, on which the Port has subsequently concurred.

**RECOMMENDATION(S):** It is recommended that the Council adopt the proposed Motion.

**FISCAL IMPACT:** Adoption of the proposed Motion would obligate the City to estimated costs of approximately \$10,000/year for maintenance and operational support (\$4,000 for contract landscape services and \$6,000 for other expenses and staff time from existing Park Department personnel). Offsetting these expenses would be \$5,000/year from the City of Burien for up to four years. The capital and operating expenses are projected to occur in 2004 and 2005. Potential cumulative liability for plants will be limited to \$100,000. The City would store portable artifacts for safekeeping.

**ALTERNATIVE(S):**

Do not approve the Motion and direct the City Manager to cease discussions regarding Garden preservation or relocation, which would likely result in the Port auctioning the Garden's elements to the public and the Garden being demolished.

**ATTACHMENTS:**

1. Draft License Agreement Between the Port of Seattle and the City of SeaTac Pertaining to the Seike Japanese Garden
2. Draft 2004 Interlocal Agreement Between the City of Burien and City of SeaTac - Japanese Memorial Garden

**SIEKE JAPANESE GARDEN  
DRAFT  
LICENSE AGREEMENT**

**1. GENERAL**

This LICENSE ("License"), dated the \_\_\_\_\_ day of \_\_\_\_\_, 2004 is granted by the PORT OF SEATTLE ("Port"), a Washington State municipal corporation, to the CITY OF SEATAC ("City") for the right to access and maintain the Japanese Garden Area, located inside the Port owned site formerly known as Des Moines Nursery, including all plant specimens and associated ornamental and statuary components located thereon ("Garden").

**2. LOCATION**

The Premises are located in 14634 Des Moines Way Dr. SeaTac, 98168, as described in Exhibit A attached hereto.

**3. TERM**

The term of this License shall be two (2) years, commencing \_\_\_\_\_, and terminating on January 31, 2006 ("Term"). Both the City and Port reserve the right to terminate the License prior to the end of the Term by providing the other party with a ninety (90) day written notice.

**4. CONDITIONS AND USE OF PREMISES**

4.1 The City agrees that the sole reason for the Port's grant of this License is to ensure that the Garden is maintained while the City raises the funds necessary to relocate the Garden by the end of the Term, and not for any other purpose.

4.2 The City shall not open the Garden to the public during the Term.

4.3 During the Term, the City shall not act in a manner that violates the restrictive covenant for the Garden. A copy of the Garden's restrictive covenant is attached hereto as Exhibit B and incorporated herein by this reference.

4.4 Terms and conditions of this License are subject to review by the Federal Aviation Administration.

**5. MAINTENANCE OF THE PREMISES**

5.1 City shall be responsible for maintenance of the Garden for the duration of this License as further described in Exhibit C, attached hereto.

5.2 Simultaneously with the execution of this License, the City shall submit a Maintenance Plan and Related Schedule ("Plan"), pre-approved by the Port, which shall become Exhibit "C".

5.3 The Plan shall ensure that the Garden will be maintained to remain in as good or better condition as exists at the commencement of the Term. A full inventory and



condition statement (Exhibit D) shall be mutually developed by the Port and City, prior to the execution of this License.

5.4 The Plan shall identify measures to prevent the pollution of waterways and storm drainage systems, maintain landscape areas, minimize the application of herbicides and identify methods for their application.

5.5 The Plan shall be consistent with the Port's Natural Resource Migration Plan (November 2001), National Discharge Elimination Systems Permit WA-002465-1, Stormwater Pollution Prevention Plan and Landscape Standards for Seattle-Tacoma International Airport.

5.6 The City shall revise the Plan as necessary during the Term, subject to the Port's prior approval.

## **6. ENVIRONMENTAL STANDARDS – INDEMNITY**

6.1 "Law or Regulation" as used herein shall mean any environmentally related local, state or federal law, regulation, ordinance or order (including without limitation any final order of any court of competent jurisdiction), now or hereafter in effect. "Hazardous Substances" as used herein shall mean any substance or material defined or designated as a hazardous waste, toxic substance, or other pollutant or contaminant, by any Law or Regulation.

6.2 Lessee shall not allow the presence in or about the Premises of any Hazardous Substance in any manner that could be a detriment to the Premises or in violation of any Law or Regulation. Lessee shall not release any Hazardous Substances into adjacent surface waters, soils, underground waters or air.

6.3 If Lessee, or the Premises, is in violation of any Law or Regulation concerning the presence or use of Hazardous Substances or the handling or storing of hazardous wastes, Lessee shall promptly take such action as is necessary to mitigate and correct the violation. If Lessee does not act in a prudent and prompt manner, the Port reserves the right, but not the obligation, to come onto the Premises, to act in place of the Lessee (Lessee hereby appoints the Port as its agent for such purposes) and to take such action as the Port deems necessary to ensure compliance or to mitigate the violation. If the Port has a reasonable belief that Lessee is in violation of any Law or Regulation, or that Lessee's actions or inactions present a threat of violation or a threat of damage to the Premises, the Port reserves the right to enter onto the Premises and take such corrective or mitigating action as the Port deems necessary. All costs and expenses reasonably incurred by the Port in connection with any such actions shall become payable by Lessee within fifteen (15) days after presentation of an invoice therefore.

6.4 The Port shall have access to the Premises to conduct an annual environmental inspection. In addition, Lessee shall permit the Port access to the Premises at any time upon reasonable notice for the purpose of conducting environmental testing

at the Port's expense. Lessee shall not conduct or permit others to conduct environmental testing on the Premises without first obtaining the Port's written consent. Lessee shall promptly inform the Port of the existence of any environmental study, evaluation, investigation or results of any environmental testing conducted on the Premises, whenever the same becomes known to Lessee, and Lessee shall provide copies to the Port.

6.5 Prior to vacation of the Premises, in addition to all other requirements under this Agreement, Lessee shall remove and demonstrate to the Port's satisfaction that Lessee has not left any Hazardous Substances on the Premises. This demonstration shall be a condition precedent to the Port's payment of any Agreement Security to Lessee upon termination or expiration of this Agreement.

6.6 No remedy provided herein shall be deemed exclusive. In addition to any remedy provided above, the Port shall be entitled to full reimbursement from Lessee whenever the Port incurs any costs resulting from Lessee's use or management of Hazardous Substances on the Premises, including but not limited to, costs of clean-up or other remedial activities, fines or penalties assessed directly against the Port, injuries to third persons or other properties, and loss of revenues resulting from an inability to re-lease or market the property due to its environmental condition (even if such loss of revenue occurs after the expiration or earlier termination of this Agreement).

6.7 In addition to all other indemnities provided in this Agreement, Lessee agrees to defend, indemnify and hold the Port free and harmless from any and all claims, causes of action, regulatory demands, liabilities, fines, penalties, losses, and expenses, including without limitation cleanup or other remedial costs (and including attorneys' fees, costs and all other reasonable litigation expenses when incurred and whether incurred in defense of actual litigation or in reasonable anticipation of litigation), arising from the Lessess's application , migration, or use of Hazardous Substance on the Premises made, commenced, incurred or discovered during the term of this Agreement. Provided, however, Lessee's obligation to indemnify the Port pursuant to this Section shall not apply with respect to any Hazardous Substance either (a) first existing on the Premises, (b) first released in, on or under the Premises, or (c) first migrating from the Premises to other areas of the surrounding environment, prior to the commencement of this Agreement under Section 3.

## **7. UTILITIES**

The City shall pay all utilities related to the City's activities under this License.

## **8. INDEMNIFICATION/INSURANCE**

8.1 The Port, its officers, employees and agents, shall not be liable for any injury (including death) to any persons or for damage to any property regardless of how such injury or damage be caused, sustained or alleged to have been sustained by the City or by others, including but not limited to all persons directly or indirectly

employed by the City, and any agents, contractors, subcontractors, licensees or invitees of the City, as a result of any condition (including existing or future defects in the Garden), or occurrence (including failure or interruption of utility service) whatsoever related in any way to the Garden or the areas adjacent thereto, or related in any way to the City's use or occupancy of the Garden. The City agrees to defend and hold and save the Port harmless from all liability or expenses (including attorney's fees, costs, and all expenses of litigation) in connection with any such items of actual or alleged injury or damage, except when such injury or damage is caused by the sole negligence of the Port. The City expressly agrees that its duty to defend and indemnify the Port includes negligent acts, which are concurrent, contributory, or both, by the Port, resulting in said damage or injury. However, to the extent this License is construed to be subject to RCW 4.24.115, and where the injury or damage arises from the concurrent negligence of the Port and the City, the City's indemnity will only extend to its negligence. LESSEE AND THE CITY AGREE AND ACKNOWLEDGE THAT THIS PROVISION IS THE PRODUCT OF MUTUAL NEGOTIATION.

8.2 At all times, the City shall at its own expense maintain in full force, and in carriers rated A+, A or A- by Best's Insurance Rating Guide, Commercial General Liability insurance in a form, on terms and conditions approved by the Port, in the minimum amount of One Million Dollars (\$1,000,000.00) on a per occurrence basis in a combined single limit covering property damage and bodily injury (or equivalent satisfactory to the Port), to indemnify both the Port and the City against any liability or expense relating to this License. The Port shall be named as an additional insured (using ISO Form 20 26 11 85 or equivalent) and shall be furnished with appropriate written evidence to establish that the City's insurance obligations as required by this License have been and continue to be met, and that the insurance coverage required by this License is not subject to cancellation, non-renewal or material reduction in coverage without at least thirty (30) days' advance written notice to the Port. The inclusion of the Port as an additional insured shall not create any premium liability for the Port. All deductibles and self-insured retentions shall be paid by, assumed by, for the account of, and at the City's sole risk.

8.3 The City shall also obtain all other forms of insurance required for its particular use of the Premises or as required by law. Such insurance coverage shall acknowledge exemption from liability for damages resulting from "Acts of God."

8.4 Any provision above notwithstanding, the Port reserves the right to reject any insurance policy as to company, form or substance.

8.5 All insurance policies shall be endorsed to state that the City's policy is primary and not contributory with any insurance carried by the Port.

## **9. SECURITY**

Security, law enforcement and fire protection at the site shall be the responsibility of the City. Coordination with Port Police and Port Fire Department may be necessary.

**10. INSPECTION**

The Port reserves the right to inspect the Garden at any and all reasonable times throughout the Term. The right of inspection reserved to the Port hereunder shall impose no obligation on the Port to make inspections to ascertain the condition of the Garden, and shall impose no liability under the Port for failure to make such inspections.

**11. SIGNS**

No signs or other advertising matter, symbols, canopies or awnings shall be attached to or painted on or within the Garden, without the prior written approval of the Port. At the expiration or sooner termination of this License, all such signs, advertising matter, symbols, canopies or awnings attached to or painted by the City shall be removed by the City at its own expense, and the City shall repair any damage or injury to the premises and correct any unsightly condition caused by the maintenance and removal of said signs, etc.

**12. COMPLIANCE WITH LOCAL LAWS**

The City shall comply with all applicable federal, state and local laws and regulations, and all applicable Airport regulations.

**13. LIENS AND ENCUMBRANCES**

The City shall keep the Garden free and clear of any liens and encumbrances arising or growing out of the use of the Garden by the City. At the Port's request, the City shall furnish the Port with written proof of payment of any item, which would or might constitute the basis for such a lien on the Garden if not paid.

**14. NOTICES**

All notices hereunder may be delivered or mailed. If mailed, they shall be sent to the following respective addresses:

To Port:  
PORT OF SEATTLE  
Attention: Manager  
Department: Aviation Properties  
P.O. Box 68727  
Seattle, WA 98168

To City:  
CITY OF SEATAC  
Attention: Director  
Department: Parks and Recreation  
4800 S. 188<sup>th</sup> St.  
SeaTac, WA 98188-8605

or to such other respective addresses as either party hereto may hereafter from time to time designate in writing.

**15. CAPTIONS**

The captions in this License are for convenience only and do not in any way limit or amplify the provisions of this License.

**16. INVALIDITY OF PARTICULAR PROVISIONS**

If any term or provision of this License or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this License or the application of such term or provision to person or circumstances other than those as to which it is held invalid or unenforceable shall not be affected thereby and shall continue in full force and effect.

**17. NONDISCRIMINATION – SERVICES**

The City agrees that it will not discriminate by segregation or otherwise against any person or persons because of race, sex, age, creed, color or national origin in furnishing, or by refusing to furnish, to such person, or persons, the use of the facility herein provided, including any and all services, privileges, accommodation, and activities provided thereby; It is agreed that the City's noncompliance with the provisions of this clause shall constitute a material breach of this License. In the event of such noncompliance, the Port may take appropriate action to enforce compliance, may terminate this License, or may pursue such other remedies as may be provided by law.

**18. NON-DISCRIMINATION – EMPLOYMENT**

The City covenants and agrees that in all matters pertaining to this License, the City shall at all times conduct its business in a manner which assures fair, equal and nondiscriminatory treatment of all persons without respect to race, sex, age, color creed or national origin, and in particular: the City will maintain open hiring and employment practices and will welcome applications for employment in all positions from qualified individuals who are members of racial or other minorities, and the City will comply strictly with all requirements of applicable federal, state and local laws or regulations issued pursuant thereto relating to the establishment of nondiscriminatory requirements in hiring and employment practices and assuring the service of all patrons or customers without discrimination as to any person's race, sex, age, creed, color or national origin.

CITY:

CITY OF SEATAC

By: \_\_\_\_\_  
It's: \_\_\_\_\_

PORT OF SEATTLE

By: \_\_\_\_\_  
It's: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared \_\_\_\_\_, to me known to be the \_\_\_\_\_, of the PORT OF SEATTLE, a municipal corporation, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

WITNESS my hand and official seal hereto the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
) ss.  
COUNTY OF KING )

ON THIS \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me personally appeared \_\_\_\_\_, to me known to be the \_\_\_\_\_ of \_\_\_\_\_, respectively, of

\_\_\_\_\_, that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they were authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_  
residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Exhibit A**

**Japanese Garden Map (s)**



## Exhibit B

Restrictive Covenants (IF APPLICABLE) Port will provide (Ralph-Robin)

IF APPLICABLE AND IF THERE ARE ANY WELLS ON THE SITE INCLUDE, IF NOT REMOVE LANGUAGE?

1. The City shall be responsible for safeguarding all Port monitored wells on the site.

IS THIS COVERED UNDER RESTRICTED COVENANTS?

2. Maintenance of wetland or stream mitigation and buffer areas shall be according to associated permits issued for those areas and the Port' Natural Resource Mitigation Plan.

## Exhibit C

**Maintenance Plan** provided by the City and pre-approved by the Port. The following shall be included in the Plan:

- Contact personnel and information
- Removal of Garden elements for safekeeping with Port approval
- Removal and upkeep of all landscape areas to ensure that remain free of invasive plant species per State and County regulations.
- Reduce the use of chemicals in the landscape (e.g., herbicides,) through integrated pest management practices involving regular monitoring to determine if and when treatments are needed; proper soil amendments; and plant selection and maintenance practices. All chemical applications shall be made in a manner that will avoid their entry into waterways and storm drain systems, and shall comply with the POS Stormwater Pollution Prevention Plan for STIA. Use of fertilizers with reduced phosphorus content is encouraged. Where chemicals are to be used, the City shall provide associated Materials Safety Data Sheet information and label directions;
- References to the following documents:
  - Port of Seattle SeaTac Stormwater Pollution Prevention Plan;
  - The revised Code of Washington Chapter 17.21
  - Port of Seattle NPDES Permit WA-002465-1; and
  - Local government ordinances (if any).
- The applicator shall be licensed by the State of Washington for the class of herbicide used. Target herbicide application at sensitive plant life stages
- All plant pruning and/or removal or shall be done by an arborist certified by the International Society of Arboriculture, as applicable and as outlined in Section XII, or per industry Best Management Practices.
- Provisions addressing how the City will address vandalism and damage/dead plants.
- Signage and fencing statements from the Port's Natural Resource Mitigation Plan.
- The City shall be responsible for safeguarding all Port monitored wells on the site **[IF THERE ARE THERE ANY WELLS ON THE SITE]**

## Exhibit D

### Garden Inventory

**DRAFT****2004 INTERLOCAL AGREEMENT BETWEEN  
City of Burien and City of SeaTac- Japanese Memorial Garden**

This Agreement is entered into by and between the City of Burien, Washington, a noncharter optional municipal code city hereinafter referred to as "Burien," and the City of SeaTac, hereinafter referred to as "SeaTac," to jointly maintain the Highline Memorial Garden hereinafter referred to as "Garden," in its current location North of 148<sup>th</sup> South and Des Moines Memorial Drive until the Garden can moved to a permanent location.

WHEREAS, the Garden has been a recognized and valued asset of the Highline area since 1960, and both Burien and SeaTac desire to raise funds to relocate and maintain the Garden assets for future public enjoyment;

AND WHEREAS, the Port of Seattle owns the Garden and has agreed to allow Burien and SeaTac to maintain the Garden at its current location until such time that the Port of Seattle orders that the Garden assets be liquidated or moved;

AND WHEREAS, Burien and SeaTac mutually desire to retain the Highline Japanese Memorial Garden to maintain the Garden in place until such time that the Garden can be relocated to a permanent location;

AND WHEREAS, SeaTac desires to perform such maintenance services pursuant to certain terms and conditions; now, therefore,

IN CONSIDERATION OF the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. Scope of Services to be Performed SeaTac. SeaTac shall perform routine maintenance services at the Garden sufficient to retain the health and public benefit of the Garden assets.
2. Compensation and Method of Payment. Burien will compensate SeaTac \$5,000 per year for a period of not to exceed four years, or until the garden is relocated.
3. Duration of Agreement. This Agreement shall be in full force and effect for a period commencing April 1, 2004, and ending December 31, 2007, unless sooner terminated under the provisions hereinafter specified.
4. Independent Contractor. SeaTac may chose to perform such service through its own Park Department staff or through means of a private contractor at their discretion.
5. Indemnification. Both Burien and SeaTac shall indemnify, defend and hold harmless the Cities, its agents and employees, from and against any and all liability arising from injury or

death to persons or damage to property resulting from negligent acts or omissions of City, its agents, servants, officers or employees.

6. Insurance. The City of SeaTac warrants that it will maintain coverage sufficient to cover contracting activities. SeaTac shall provide certification of insurance.

7. Record Keeping and Reporting.

A. SeaTac shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed in the performance of this Agreement and other such records as may be deemed necessary by the City to ensure proper accounting for all funds contributed by the City to the performance of this Agreement and compliance with this Agreement.

B. These records shall be maintained for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the office of the archivist in accordance with RCW Chapter 40.14 and by the City.

C. SeaTac shall provide cost accounting reports to Burien upon request containing statistical data concerning client intakes and other relevant services performed by SeaTac.

8. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by law during the performance of this Agreement.

9. Termination. This Agreement may at any time be terminated by either City giving by thirty (30) days written notice of the City's intention to terminate.

10. Discrimination Prohibited. Neither City shall discriminate against any employee, applicant for employment, or any person seeking the services of the Agency to be provided under this Agreement on the basis of race, color, religion, creed, sex, age, national origin, marital status or presence of any sensory, mental or physical handicap.

11. Assignment and Subcontract. SeaTac may assign maintenance and or security services to private contractor as they see fit to ensure the best care of the Garden assets.

12. Entire Agreement. This Agreement contains the entire Agreement between the parties hereto and no other Agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

13. Notices. Legal notices to Burien shall be sent to the following address:  
Larry Fetter, Director of Parks, Recreation and Cultural Services

City of Burien  
415 Southwest 150th Street  
Burien, Washington 98166-1973  
Phone number: (206) 988-3700

Notices to SeaTac shall be sent to the following address:

Kit Ledbetter, Director of Parks and Recreation  
4800 S 188th Street  
SeaTac WA 98188-8605  
Phone number: (206) 973-4800

14. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington. The prevailing party in any such action shall be entitled to its attorney's fees and costs of suit.

CITY OF BURIEN, WASHINGTON

By: \_\_\_\_\_

Title: City Manager

Date: \_\_\_\_\_

Attest/Authenticated:

\_\_\_\_\_  
Jan Roegner, Burien City Clerk

Approved as to form:

\_\_\_\_\_  
Lisa Marshall, Burien City Attorney  
Attorney

CITY OF SEATAC, WASHINGTON

By: \_\_\_\_\_

Title: City Manager

Date: \_\_\_\_\_

Attest/Authenticated:

\_\_\_\_\_  
Judith Cary, SeaTac City Clerk

Approved as to form:

Mary Mirante Bartolo  
Mary Mirante Bartolo, SeaTac City

**Joint SeaTac City Council / Planning Commission (PC)**  
**Wireless Telecommunications Facilities (WTF)**  
**Work Session Minutes Synopsis**

**March 30, 2004**  
**3:30 – 5:00 PM**

**City Hall**  
**Council Chambers**

**CALL TO ORDER:** The SeaTac Joint City Council/Planning Commission Work Session was called to order by Mayor Frank Hansen at 3:37 p.m.

**COUNCIL PRESENT:** Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Chris Wythe, Ralph Shape, and Joe Brennan. Absent: Councilmembers Gene Fisher and Don DeHan.

**ADMINISTRATIVE STAFF PRESENT:** Bruce Rayburn, City Manager; Mary Mirante Bartolo, City Attorney; Julie Elsensohn, Sr. Assistant City Attorney; Judith Cary, City Clerk; Steve Butler, Planning Director; Holly Anderson, Sr. Planner; Brian Galloway, Associate Planner; Lawrence Ellis, Assistant Parks & Recreation Director; Bob Meyer, Fire Chief; and Scott Somers, Chief of Police Services.

**PLANNING COMMISSIONERS PRESENT:** Chair Linda Snider, Members Rick Lucas, Joe Dixon, and Mark Siegel. Absent: Member Tom Dantzler.

**Workshop Purpose and Introduction:**

CityScape consultants Susan Rabold and Rich Edwards were introduced. Ms. Rabold opened the discussion by stating that the last time this group met, the discussion included the WTF industry, the infrastructure, and ended with distribution of a survey request for each Councilmember to fill out as to the types and locations of infrastructure they would like to see in the City as well as answering development standards questions. The consultants reviewed the results to the revised maps, addressing the Councilmembers' survey input and have prepared map recommendations and policies.

**Presentation of Maps showing Existing Wireless Coverage and Potential City Locations for WTF**

Ms. Rabold stated that also at the last meeting, a draft Master Plan was reviewed as well as a variety of maps of existing WTF and City service coverage. The consultants then looked at certain City properties' potential service in poor coverage areas. The task was to decide whether the City wants to use public land for future WTF and if so, how would the use of this land contribute to filling in the coverage gaps. She identified six properties with potential for WTF towers to fill in the gaps: 1) the North SeaTac Park (NSTP) at South 128<sup>th</sup> Street and 20<sup>th</sup> Avenue South, 2) Sunset Playfields at 13659 18<sup>th</sup> Avenue South, 3) Fire Station #47 at 3215 South 152<sup>nd</sup> Street, 4) Bow Lake Park at 5040 South 178<sup>th</sup> Street, 5) Angle Lake Park at 19408 International Boulevard (IB), and 6) Des Moines Creek Park at 2151 South 200<sup>th</sup> Street.

Mr. Edwards gave an overhead presentation of the New Master Plan Maps and Use of certain City properties for future WTF installations. He outline of the potential sites in the City. SeaTac has ridges where there are deep terrains that run north to south across the valley that create a substantial interference to the east. WTF height creates a complexity of problems in this case. Some five to seven years from now, these areas will need towers to be 40-50 feet in height. There are four systems in the City of SeaTac: 800 MHz – cellular, 800 MHz - enhanced special mobile radio (ESMR), 1900 MHz Personal Communication Services (PCS), and wireless internet. Mr. Edwards explained the different WTF heights, MHz and terrain factors in SeaTac at 80 feet. The cell system covers twice the distance of a PCS since the frequency controls the amount of coverage. In the future, all of the sites will be at the same distance apart because of capacity issues. Within the next two to three years, WTF will become the same physical size and there will be 500-700 people per cell site as opposed to the 250 simultaneous phone calls per cell site. Wires will be eliminated and there will be more cell sites as the amount of users increases. He explained the transmittal mechanism of the cell system.

Mr. Edwards answered WTF questions posed by Council. Currently, there are 250 calls per providers on a tower at with up to nine providers per tower. Secondly, the issue of private vs. public cell tower industry was discussed. Mr. Butler stated that one of the reasons CityScape was hired early on was the City Council was interested in looking at revenue options and it turns out the single greatest way to get more revenue for the City was to lease the poles. Regarding the City survey input, the PC has one viewpoint and this meeting is to review Council's viewpoint. Based on Council directions, the team was asked to create a set of regulations that conceals the WTF as the usage grows and also provides revenue options for the City. Mr. Edwards stated that most Cities are going in this direction. Councilmember Brennan questioned whether private industry could still put a system on their land. Mr. Butler stated they can but there is a process to follow. He questioned private industry i.e., Puget Power, use of the City's right-of-ways (ROW) and receiving revenue on public land.

**Presentation of Maps (Continued):** Ms. Rabold stated that they have been examining the six potential properties and if these had been identified as the location of tower sites in a Master Plan before the current sites were developed, all the current sites would not be necessary. By using the six sites, a vast majority of the City could have been covered on 800 and 1900 MHz, eliminating the clutter of towers now in existence. The objective is to minimize the amount of towers and maximizing the coverage. The Port of Seattle (POS) has primary service in the City. The projection is to use City property to cover most of the City and the rest on private land or through service by adjacent communities. The maps depicted the types of service and areas of coverage currently serviced and what could be done to improve this coverage.

Councilmember Shape questioned whether the building of an additional 400 homes would this cause the elimination of the easterly tower service due to interference to which Mr. Edwards stated that they could not be forced to shut off the system. He has never heard of this happening.

Mr. Siegel questioned the current cell providers lease terms for private properties to which Mr. Edwards replied that most are on five-year contracts with four automatic renewals. Mr. Siegel further questioned whether a consortium of the various sites would reduce the service costs after the leases expired. Mr. Edwards stated that the problem with the current providers was that the 25-year lease was their way of discouraging other providers from moving in. When Cities moved in on this service, the providers started responding. He further explained the rights of the City as to the use of these towers.

Mrs. Snider explained the PC's decision to recommend cell towers. She also stated the PC would like the City to be upfront as to the City's choice of service such as whether to have undergrounded service so that provider favoritism is not an issue. Ms. Rabold stated that this proposal is a draft and the purpose of today's meeting is to make some policy decisions in order that an Ordinance can be drafted.

The following is the City's input as to the order of WTF preference: 1) a concealed attached antenna to an existing structure, i.e., behind a chimney or mounded to the side of a building to blend in with the architectural design; 2) concealed co-location on an existing concealed WTF; 3) freestanding concealed WTF; and 4) mitigation of an existing WFT or utility pole. There are a number of sites the City has a strong desire to have removed and replaced with a structure more aesthetically pleasing and more in context with what the Ordinance is going to require. The way to encourage that is to offer the providers a reason to want to change out existing infrastructure that does not meet code to that which does meet code. One of the methods CityScape has found effective is mitigation (similar to replacement but more comprehensive). An example is to replace the unconcealed tower with a concealed one with the ability to add providers to the tower.

Mr. Edwards further explained that mitigation may be necessary if there is a site needing to be changed and it is too complex and cannot be improved. The mitigation that has been successful in other communities has been to change out the facility to improve the functionality and have the potential to add providers to the system. The problem is that they still require a certain amount of separation of the antennas. That is the current technology. There is new technology that is coming available that will solve the problem, which is a combined system. The current providers are opposing this concept, as it would mean equal service delivery by all providers. This is not the City's concern. Its duty is to follow the WTF regulations. Cityscape recommends, for the future, combining systems by having one concealed facility replace two non-concealed sites as usage increases. One of the least preferable types of structure is additional non-concealed co-location on an existing non-concealed WTF. CityScape's attorney does not recommend this concept due to legal ramifications. He suggested the City consider only allowing flush-mounted antennas.

Discussion ensued as to tower capacity, designed for a certain amount of providers. The mitigation process would be needed to add more providers depending on the tower. Towers are now being built for maximum strength. Also discussed was the aesthetical design of the structures. The Cities are frequently hearing issues as to shared utility poles. However, more concern is to the unattractive appearance of the ground structures.

The team reviewed the order of preference of type of WFT by the City: 1) a concealed attached WTF, 2) a concealed co-location on an existing concealed facility, 3) a concealed tower, 4) mitigation, 5) a non concealed co-location on a non-concealed tower, 6) a non-concealed attached, and 7) a non-concealed tower. Next the team reviewed the order of preference of location: 1) City-owned property, 2) certain City-owned ROWs; and 3) private property. Discussion ensued on the process for providers to follow to be able to install their preference of WTF, using the hierarchy the City will have set forth. There will be more steps to go through for the less preferred locations.



**Presentation of Maps (Continued):** Discussion ensued as to the use of public land vs. private land. City Manager Rayburn questioned the PC's view on this topic to which Mr. Butler stated that the PC has had lengthy discussions on this issue and have firm ideas about it, as well as does the Land Use & Parks (LUP) Committee to a lesser degree. He added that this is a key policy and Council direction is definitely needed in terms of where to proceed.

Mr. Lucas stated that private land would have to be used when no public land is available. It is based on the law of physics, if it does not fit on public property, it can be put on private land.

Councilmember Shape stated that this would be a windfall to a private party, however, on public property, it would benefit all citizens.

Mr. Dixon stated that he has no problem with the City's hierarchy regarding concealed attached WTF but does not agree on the location hierarchy. He feels it should be on certain City property, in certain City-owned ROWs, and on private property so there is no hierarchy in location or any favoritism.

Upon a question posed by Mayor Hansen, Mr. Edwards stated, in approximately 15 years, there will be a cell provider every 3/8 to one mile in the City or three times the amount of service currently being provided. The purpose of a Master Plan for the future is to reduce the total number of towers and increase the service with more providers per tower. The aim is for more providers on fewer towers. Mr. Butler stated there are currently 35 poles in the City with more coming in the future.

*(Councilmember Anderson arrived at this point in the meeting.)*

At 4:54 p.m., Mayor Hansen announced that the meeting was scheduled to end at 5:00 p.m. but honored another 15 minutes due to the necessity to move forward with this important topic this evening.

Councilmember Brennan stated that the Hotel/Motel (H/M) Tax Advisory Committee's aim is to encourage private industry in the City. The businesses are the City's major revenue source and agreed with Mr. Dixon that taking the hierarchy off location would be best.

Mayor Hansen stated that the airways belong to all citizens of the City and public revenue could be generated if the towers are on public property.

Councilmember Wythe stated he does not feel that the permitting process should be used as a weapon to private landowners. The City should be doing the background work early on in order to be fair to all involved.

Mr. Rayburn stated that in reviewing the hierarchy, he noted the two major issues are what the facilities look like, and who receives the revenue for installation. He recommends a concealed attached WTF on City-owned property or private property and a proponent applying for a permit could request use of either public or private property.

Ms. Rabold stated that would accomplish the developers' needs to know the rules for siting a facility, with the City encouraging them to build on public land. The team explained the permitting process.

Mr. Butler stated staff would need Council direction to put the City first in the order of hierarchy, otherwise promoting the City's interest first might be perceived as a conflict of interest.

Mr. Lucas stated that the private sector has been working on this issue for 10 years and now the City wants top priority in the hierarchy.

Mayor Hansen stated he feels the regulations should be the same for all. Ms. Rabold stated that the developer has to demonstrate in writing through certified radio frequency analysis that those other properties do not work as well as their preference.

Mr. Siegel made a point of why it would generally be best to have the WTF on public property. He stated that if they are on private property, and the current tower sites demonstrate the problem with the properties not being maintained so aesthetically, they are not appealing.

Ms. Rabold stated that Cityscape favors City-owned property, if there is better frequency on a private property that would become the priority. Excluding money concern, aesthetics are the primary concern.

**Next Steps:** Mayor Hansen requested that the staff review the pros and cons and present their recommendations to the entire Council. Mr. Butler stated that this discussion has been helpful but in the end, staff will do what the Council wants. Mr. Rayburn agreed with Mayor Hansen's request. The final step will include a public hearing by the PC and final direction to staff from the Council.

**Adjournment:** The Work Session was adjourned at 5:14 p.m.

**JOINT CITY COUNCIL/PLANNING COMMISSION (PC)  
WORK SESSION  
MINUTES SYNOPSIS**

**March 30, 2004  
5:00 PM**

**City Hall  
Council Chambers**

**CALL TO ORDER:** The SeaTac Joint City Council/Planning Commission Work Session was called to order by Mayor Frank Hansen at 5:15 p. m.

**COUNCIL PRESENT:** Mayor Frank Hansen, Deputy Mayor Terry Anderson, Councilmembers Chris Wythe, Ralph Shape, and Joe Brennan. Absent: Councilmembers Gene Fisher and Don DeHan.

**ADMINISTRATIVE STAFF PRESENT:** Bruce Rayburn, City Manager; Mary Mirante Bartolo, City Attorney; Julie Elsensohn, Sr. Assistant City Attorney; Judith Cary, City Clerk; Steve Butler, Planning Director; Holly Anderson, Sr. Planner; Mike Scarey, Sr. Planner; Brian Galloway, Associate Planner; and Lawrence Ellis, Assistant Parks & Recreation Director.

**PLANNING COMMISSIONERS PRESENT:** Chair Linda Snider, Members Joe Dixon, Mark Siegel, and Rick Lucas. Absent: Member Tom Dantzler.

**Review and Discussion about the Planning Commission's 2003 Accomplishments and 2004 Goals:**

Mrs. Snider provided documentation of the PC's 2003 Accomplishments and 2004 Goals in the Council Packets. She stated the PC is proud of their accomplishments, adding they have worked very hard to study issues and give recommendations throughout the year. The PC's goals are basically to provide recommendations to Council to assist in their decision-making process. She reviewed the Goals for 2004 regarding the updating and implementing of the Comprehensive Plan (CP): She inquired as to whether the PC's goals fall in line with the goals the Council needs of the PC. The PC's mission is to serve the Council.

Councilmember Wythe stated his concern about implementation of some of the objectives that come before the Council. There are great ideas already in the CP, as well as citizens' input over the last several months. His concern is as the Council receives input as to neighborhood enhancements, implementation has not been as strong as it could be. Mayor Hansen stated that under the City's form of government, the PC makes recommendation to the Council and the Council makes policy to the staff and the staff does the administrative work. Councilmember Wythe stated that he is concerned that steps towards the City's vision are not delineated in the CP.

Mr. Lucas presented his understanding of the PC's role and detailed some background on the City. He felt that because of the types of businesses in SeaTac, and the 911 incident and economy downswing, the City has not been in a position to implement plans and projects at the fast rate it has been able to prior to these events. However, the City is beginning to regain momentum. The PC was interested in the Council Retreat and what direction the Council gave the PC as to their role through the staff. The PC was surprised at the feedback from the comprehensive survey filled out by 40 residents in wanting community type businesses in the neighborhoods. As a member of SeaTac Economic Partnership (STEP), he stated that the group is now investigating what types of businesses can come into the City and be viable. This is being done by a consulting firm with Hotel/Motel (H/M) Tax funds. He thinks the City is beginning to gain momentum in new businesses coming in and helping the old businesses grow.

Councilmember Shape stated he feels the South Riverton Height area will become extremely important to the City in the future as the light rail project progresses. Upon a question posed by Councilmember Shape, Mrs. Snider stated the PC first met with Burien PC, then the Tukwila PC two years ago, and lastly, the Kent PC and shared information on each of the Cities' plans. The PC keeps in touch with the surrounding Cities in order to find their goals and when feasible, work together on plans.

Upon a question posed by Deputy Mayor Anderson as to what feedback Mr. Butler has received from other Planning Directors, he replied that the Planning Directors hold monthly meetings based on his available and issues to be discussed. In one such meeting, Burien's downtown planning was discussed.

Mr. Siegel stated, as the newest member of the PC, he is still trying to understand the PC duties. He volunteered for this position to help better the City and assist the Council. The citizen's comments are many and the range is in all areas of concerns and suggestions as to what should be done with the City. He would like to know what issues the Council wants the PC to focus on. Deputy Mayor Anderson stated that in talking with the citizens, the topics are concerns as to more sidewalks, street improvements and no more parking lots. Mr. Siegel stated that these are viable issues and citizen involvement is critical.

**PC 2003 Accomplishments and 2004 Goals (Continued):** Mr. Dixon stated that the citizens' recommendations and priorities are not being responded to by the City. He stated the citizens are concerned about what is being planned for sidewalks on Military Road, are the traffic issues being addressed, residents are saying there are not enough patrols in their neighborhoods and there are break-ins and other vandalism and there is a need for more law enforcement officers at Angle Lake Park., and more directional signs at McMicken Heights Community Club to name a few of their concerns. Responses to citizens concerns need to be addressed, as well as the budgets issues and project time frames.

**City Center Concept:**

Mrs. Snider stated with discussions at community meetings, she got the sense that the City Center Plan was being abandoned. Comments indicated a real need for a City Center for shopping and having a feeling of community. The Council, staff and PC worked very hard to develop a good plan. She wondered what is happening with the plans, stating that the recent proposed development on International Boulevard (IB) is in conflict with the City Center Plan. She wondered whether mixed-use is viable in SeaTac. This issue needs to be discussed.

Mayor Hansen stated that he agreed but he felt the staff did an excellent job of responding to the citizens' concerns. The City Center Plan is extremely complex and many hours have been devoted to it and no real plan has been initiated that will work for the City, the residents and the business communities.

City Manager Rayburn stated, at the first town meetings the Council hosted in the early 1990's, the residents' issues were to stop the flooding in yards and to build more sidewalks. There is not enough funding available to build all the sidewalks the citizens want. They are being constructed as the budget permits. Staff has been working hard to achieve progress in the list of citizens' comments and recommendations. A lot of their suggestions are not in the City's Comprehensive Plan (CP).

Deputy Mayor Anderson stated she felt the issue is not being responded to but rather finding an effective way to get the word back to the people.

Mrs. Snider stated that perhaps there is a need to re-review the City Center concept. Mayor Hansen stated that one of the complexities is it is planned on privately-owned property and the owners' needs have to be considered.

Councilmember Brennan stated that another issue the City had was with a road to be built through the Center crossing through the Bow Lake Mobile Home Park. He added that the price of land is extremely high. The most important business is the businesses currently in SeaTac; they are 70 percent of the City's revenue. Another thing is to encourage the citizens to come to the Council Meetings, perhaps the meetings should go to the people again.

Councilmember Wythe stated that the CP process centers on delivering some amenities. The City Center Plan is an ambitious plan. Perhaps there are less ambitious plans to work on. The City has to work with the community, not do for the community. The communities need representatives from the various areas to get their ideas out to the Council and staff.

Mr. Lucas stated that he feels the Council and staff has been doing a good job. He stated that most of the parking lots would love to have hotels and retail shops on their property but currently, the City does not know what the businesses would be. The City has agreed to have the H/M funds be used to find out what those businesses are. That needs to be communicated to the public. The City staff has been responding to their concerns. That message needs to be heard. He suggested the citizens' questions be addressed in SeaTac Report or answers be sent to the 40 concern residents' addresses who answered the survey. He added that the percentage of attendance at SeaTac's Council Meetings is equal to that of other Cities.

**Senior Center Status:**

Mayor Hansen stated that the City is moving ahead on this issue by having done the study, however, it is to be in the future. He added that the City currently has a good Senior Program at the North SeaTac Park Community Center (NSTPCC). Eventually, the City plans to have its own Senior Center. Councilmember Shape stated that the seniors would like to think it is in the near future.

**Discussion of whether or not the PC should be involved in review of the Proposed Development Agreements:**

Mrs. Snider inquired as to whether the Council considered the PC being involved in the development agreement process. The main issue is that development affects the entire City and the PC has both residents and business members and their input and prospective could be valuable to the Council in their decision-making process.

**PC involvement in review of the Proposed Development Agreements (Continued):** Mayor Hansen stated that the development agreements are extremely complex and legal documents and while working on them, there is confidential information that should not be divulged in their draft form. They are really a staff, particularly legal, issue. The PC can be briefed on the status of these agreements.

Mr. Siegel stated that the PC does not want to impede the process; they want to review the agreements to be sure it corresponds with the City's CP goals. Councilmember Wythe stated the PC should be reviewing agreements and their involvement makes good sense to him. Mr. Lucas stated that one of the main developments in the City was the City Center Plan and its concept has gone away. The PC needs to know the City's development plans. The Budget development agreement is being terminated by Budget Car Rental due to lack of City interest. Ann Lawler, Attorney, Jameson Babbitt Stites & Lombard, Budget's attorney for the development agreement, who was in the audience, stated that she is the attorney for the new operator of that site on the long term ground leases subject to the ownership of the Boysens. If they did not develop their property into an enhanced parking facility by the end of 2003, it would terminate with its own terms. The current operators bought the lease interest with the hope that they would be able to go forward with the development agreement but were not able to come to financial terms with the Boysens and for that reason have agreed to let it terminate.

Mayor Hansen asked that the PC be briefed as these agreements come forth. The current development agreement for the City Center in the South 188<sup>th</sup> Street area is for mixed-use and that is not working out. He asked staff and PC to look at this area to make it work. Mrs. Snider, on behalf of the PC, thanked the Council for attending this Work Session.

**Adjournment:** The Work Session adjourned at 6:07 p.m.

**Executive Session: Contract Negotiations (30 minutes)**

**CITY OF SEATAC**  
**Human Services Advisory Committee**  
**Minutes**

**February 23, 2004**  
**6 PM**

**SeaTac City Hall**  
**Riverton Room**

<b>Call to Order</b>	The meeting was called to order by Karyn Kuever at 6:05 p.m.
<b>Members Present</b>	Karyn Kuever, Trish Crocker, Darleene Thompson, Janelle McCray, Jo Kraft
<b>Members Absent</b>	
<b>Staff Present</b>	Kathy Black, City Manager's Office
<b>Approval of Minutes</b>	Approved Minutes of January 19, 2004

**BUSINESS**

<b>HCH - Roxbury Family Healthcare</b>	Presentation given by Lori Anderson and Colleen Concannon-Hamblin. They provided a power point presentation with photos that conveyed the scope of the program and range of ethnicities among their patients who receive care. The program provides medical treatment for all regardless of ability to pay.
<b>Highline Community College - Volunteer Literacy Program</b>	Diane Cameron gave an overview of the program. They provide GED, ESL and ABE (Adult Basic Education). The success of students often depends upon the relationships formed between the tutor and the student. The program fluctuates between having adequate numbers of tutors and students who stay the course.
<b>SKC Human Services Forum strategies for funding priorities</b>	The committee will discuss this topic at the next meeting.
<b>Presentations for March</b>	The committee suggested CCS - Counseling and SSCC APPLE Parenting.
<b>Next meeting:</b>	March 15, 2004
<b>ADJOURN:</b>	The meeting was adjourned at 8:01 p.m.

**PLANNING COMMISSION**  
**Minutes of March 8, 2004, Meeting**

**Members Present:** Linda Snider, Joseph Dixon, Tom Dantzler, Rick Lucas, Mark Siegel

**Staff Present:** Steve Butler, Planning Director; Mike Scarey, Senior Planner; Brian Galloway, Associate Planner

**1. Call to Order:**

The meeting was called to order at 5:30 p.m.

**2. Approve Minutes of February 23, 2004, Meeting:**

A motion was made, seconded, and unanimously passed to approve the minutes of the February 23, 2004 meeting as presented.

**3. Old Business:**

**A. Update on South Military Road Rezone Public Meeting**

Mike Scarey stated that a public meeting regarding the South Military Road Rezone was held at the Valley Ridge Community Center on Wednesday, March 3 at 7:00 p.m. The meeting was staffed by Planning Department personnel as well as representatives from the Kent and Midway Sewer Districts.

Of the eight residents who attended, one from the northern section was adamantly against the rezone, and a few were interested in extending sewer service to their property. The poor attendance, along with an apparent lack of interest in the rezone proposal either for or against, makes it difficult for staff to gauge community sentiments. Also to be considered is the State-mandated four dwelling unit per acre minimum density requirement (UL 15000 zoning allows just over two).

Many months ago, there was interest from two property owners in the southern portion whose lots could be subdivided into between eight and twelve lots if they were rezoned to UL7200. Since then, Kent Sewer District has indicated that no non-gravity systems would be approved; therefore, grade and topographic constraints would make it nearly impossible for these properties, as well as others in the area, to connect to the system. Sewer districts prefer to have service run by gravity. A grade deviation would require the use of a grinder pump on-site at each home to pump the sewage to the main gravity-feed system.

Discussion was held about the City proceeding with the proposal to rezone properties to UL 7200, after which affected residents could propose policy revisions to Kent Sewer District that would allow for the highest and best use of properties; rezoning to a higher density may be misleading if the properties could not be divided; residents in the southern portion expressed concern about potential property tax impacts resulting from a higher density zoning.

Steve Butler explained that Kent Sewer District would likely require property owners to absorb all expenses related to any sewer line extension. At the public meeting, a property owner said the cost to connect an adjacent property would be approximately \$30,000, while extending the system a few hundred feet could be between \$65,000 and \$75,000. Therefore, unless current septic systems are failing or expenses could be recouped through the creation of additional lots, most residents would not agree to incur the expense.

Mike Scarey advised that various options were available. The City could shelve the rezone proposal, consider separate rezones for the northern and southern sections, develop a phasing approach and apply a "potential" zone of UL 7200 to all properties with rezone approval conditioned on sewer infrastructure being in place, or the City could rezone all UL 15000 properties to UL 9600 regardless of sewer availability (which would bring the City into compliance with the four units per acre requirement). Properties zoned UL 9600 could support a septic system depending on several variables including soil type and septic system design.

This issue will go before the Land Use & Parks Committee on March 11 for their input and direction.

It was agreed that the liaison would report to the Land Use & Parks Committee that it was the consensus of the Planning Commission that further action on the rezone proposal be suspended.

## **B. Continued Discussion about the Planning Commission's 2004 Goals**

Steve Butler began the discussion by reiterating that two changes had been made i.e. language regarding subarea plans was amended to read, "Work on South Riverton Heights Subarea Plan (only if activities warrant)" and language regarding meeting with other jurisdictions was amended to read, "Meet with Planning Commissions of other jurisdictions to identify shared issues and establish working relationships. (Potentially with Burien this year.)"

The first subject discussed was prioritization of the goals. Comments included that inactive issues remain on the list as placeholders to ensure they are addressed in a timely fashion, one purpose of the goals document is to keep the Commissioners apprised of issues that need addressing, and that City Council direction as well as various issues as they arise are pivotal in dictating priorities.

After talking briefly about the importance of maintaining communication with Highline School District regarding their future plans for surplus properties, discussion was held about possible City Council interest in fostering economic development goals within the City Center through tax incentives to create the identifiable city center containing residential businesses that citizens at the various public meetings endorse; whether or not sufficient customer base exists to support restaurants, coffee shops, etc. within a city center area; whether or not new concessions at the airport would be geared only toward the travelers or if the public and residents would have access without going through security; the goals and priorities developed by the City Council at their recent retreat.

#### **4. New Business:**

##### **A. Discussion about Items to be Presented at the March 30, 2004, Joint City Council/Planning Commission Meeting**

The Commissioners devoted considerable discussion to the issue of various past, present, and proposed development agreements within the City. Specific concerns included the criteria used to determine timelines, circumstances under which development agreements may be allowed to expire, and circumstances under which certain agreed upon development requirements may be amended during the life of the agreement.

It was requested that a Planning Commission request to be involved in the review of proposed development agreements, surface parking lots, as well as discussion regarding wireless telecommunication facilities and issues raised at the recent community meetings be included on the March 30 joint meeting agenda. A draft agenda will be prepared and presented to the Planning Commission on March 22.

It was suggested that agenda items the City Council would like to address be provided to the Commission along with minutes of the City Council retreat if they were available.

##### **B. Initial Review of Comprehensive Plan Update Assessment Report and Schedule**

Mike Scarey stated that the State requires all jurisdictions planning under growth management to have a major Comprehensive Plan update completed by December 1, 2004. Staff is in the process of completing a Comprehensive Plan Update Assessment Report that will describe the process of conducting the major update during the 2002 and 2003 Comprehensive Plan Amendment process, and identify actions to be taken during the 2004 amendment process. The assessment report will be a narrative report based on the following:



- The State checklist that will identify required plan contents, staff assessment of how the Plan meets requirements, and further actions necessary for compliance;
- Comments from the February public meetings including draft amendments based on comments related to various Comprehensive Plan elements;
- Other amendments identified by staff to complete the major update including the Community Image Element, Transportation Element, and Utilities Element.

The Planning Commission will review the assessment report on March 22, tentatively hold a public hearing on April 19, and make a recommendation to the City Council on May 3. The City Council will review the report on May 11, followed on May 25 by adoption of a work plan of amendments to pursue in 2004. The docket will include these items as well as any amendment proposals submitted by the public.

#### **5. Commission Liaison's Report:**

Commissioner Dixon has agreed to be the Planning Commission Liaison and attend future Transportation & Public Works Committee meetings.

The February 24 Transportation & Public Works Committee meeting agenda included the following: (1) Approval to award a contract for storm drain cleaning; (2) Approval of an ordinance to enter into an ILA to provide electrical inspection services to the City of Normandy Park; (3) Discussion on 24<sup>th</sup> Avenue South and South 144<sup>th</sup> Street pedestrian improvements; (4) Briefing on the garbage contract negotiations; (5) City tour for code enforcement, capital projects and maintenance; (6) Discussion about whether or not the Committee would like a briefing on the WIRA 9 Habitat Plan.

Discussion was held about questions submitted for Cityscape to address at the March 30 workshop; developing regulations that could be difficult or even impossible for providers to comply with versus gaining sufficient technical knowledge to avoid that situation; requiring existing installations in all zones to be made stealth-like at the time any changes to the installation are proposed (parallel to signs under the Sign Code).

Following a discussion about regulations governing a change of use on an existing commercial property versus regulations governing the development of a vacant site, Steve Butler advised that City Council direction to staff was that in cases where an existing commercial use was converted to another permitted use (that may have been permitted many years ago), that the conversion doesn't have to meet all current standards (such as landscaping and parking standards). Prohibiting the conversion based on the inability to meet the letter of certain current standards such as landscaping or parking spaces was unacceptable. It may be appropriate to request the City Council to revisit this policy issue.

It was agreed that the Planning Commission would discuss the change of use policies governing commercial properties with the City Council, possibly at the joint meeting on March 30.

**6. Planning Director's Report:**

The March 11 Land Use & Parks Committee meeting includes numerous Planning related items including an update the March 3 Military Road Rezone open house, discussion about minimum densities, discussion about the Comprehensive Plan Assessment Report, discussion about using gross lot acreage for calculating the number of lots in a proposed short plat, an update on wireless telecommunication facilities work progress, and discussion about miscellaneous zoning code amendments.

**7. Adjournment:**

The meeting was adjourned at 7:54 p.m.

# **SENIOR CITIZEN ADVISORY COMMITTEE MEETING MINUTES**

**February 19, 2004  
10:00 AM**

**North SeaTac Park Community Center  
Conference Room**

**CALL TO ORDER:** The Senior Citizen Advisory Committee Meeting was called to order by Chairperson Jon Ancell at 10:00 a.m.

**ROLL CALL:** Present: Jon Ancell, Bill Blazer, Nina Nelson, Della Schmitz, Darleene Thompson.

**ADMINISTRATIVE STAFF:** Lawrence Ellis, Assistant Parks Director; Kathleen Cummings, Senior Services Coordinator

**APPROVAL OF MINUTES:** Minutes dated October 16, 2003 and January 15, 2004 were approved as written.

## **SENIOR CENTER PRE-DESIGN MEETINGS:**

Darleene updated the Committee on the status of the pre-design study. The process and the results of the two public meetings that took place in January were explained. At this point, there are two locations being considered. Both locations involve stand alone facilities of approximately 10,000 square feet. One location is at the north side of the North SeaTac Park Community Center and the other is on the 188<sup>th</sup> property with the YMCA. The architects have presented to the City's Land Use & Parks and Administration & Finance Committees. The final recommendation to City Council will be made at the City Council meeting on March 23, 2004. The issue of a larger facility (15,000 sq. ft.) has been brought up. Part of the justification for a larger facility is due to comparisons with Auburn's senior center. Upon visiting Auburn's site, it was felt that the hallways were too narrow and the restrooms were too far away from the lunch area. A lengthy discussion ensued about the 188<sup>th</sup> St. property and the YMCA's use. At present the YMCA is contemplating a 42,000 sq. ft. facility with possible expansion to 46,000 sq. ft. Concerns were raised about equitable sharing of initial costs of utilities and wet land provisions. Committee members also expressed concern about the possibility of locating at North SeaTac Park. The issues of the deteriorating neighborhood and the geographic isolation relative to the City's population were mentioned. A question was asked regarding how much of the property around the North SeaTac Park Community Center was actually leased from the Port. Kathleen will get that answer to the Committee. Opinions were expressed that the 188<sup>th</sup> St. property would be ideal for the senior center if it did not include co-existing with the YMCA.

## **SEATAC CAFÉ UPDATE:**

The new food service has met with very favorable response. Individuals have been pleased with the quality of the meals. General consensus is the meals are healthier and tastier. There is still hope that we will be able to procure a salad bar and have that option available a couple of times per week. There is considerable more food preparation with the new system. For instance, on several occasions, the roasts have been sliced by kitchen help, all pastas are cooked on site, and occasional bread and dessert products are baked on site. Though these measures increase the appeal and quality of the meal, it places an additional work load on volunteers and staff. More help is needed in the kitchen. A tentative meeting with volunteers and the Nutrition Program has been set for March 8<sup>th</sup>.

## **FUNDRAISING EVENTS:**

The annual spring rummage sale is set for Saturday, April 3<sup>rd</sup> from 9:00 a.m.-4:00 p.m. The day will also feature a free plant exchange, co-coordinated by the garden class instructor, June Cappetto Brandner. The plant exchange has a huge following and generally attracts 200 people. The two events should complement each other. For space accommodations, both the gym and the lobby have been reserved.

**OLD BUSINESS:**

Kathleen shared the notebook that has been designated for record keeping of sympathy and get well cards. It was suggested that a separate sheet be maintained for each type of card. A volunteer has agreed to take this on. The Committee also discussed newsletter acknowledgement of passings. It was agreed that starting with the May/June newsletter, a listing will be posted that included January-April passings. After that, each newsletter will list passings that had occurred since the last newsletter. A form has been developed that individuals would fill out to request a card be sent to someone.

**NEW BUSINESS:**

The issue of handling take home meals was discussed. It was recommended that take home containers be placed at the check-in desk. When an individual requests a take home meal, their name would be written on the container and dropped off at the kitchen. This process will be put into place on Tuesdays to see how it works.

**ADJOURNMENT:** Meeting was adjourned at 11:30 a.m.

Next meeting date – March 18, 2004.